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**CORRESPONDENCE SHOULD BE
SENT TO THE WHITE PLAINS
ADDRESS ONLY**

Via CM/ECF

Honorable Philip M. Halpern, U.S.D.J.
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Application granted. Plaintiffs' cross-motion for summary judgment and opposition to Defendants' motion shall be served as a single, consolidated brief on January 31, 2023; Defendants' opposition to Plaintiffs' cross-motion and reply shall be served as a single, consolidated brief on March 6, 2023; all motion papers shall be filed on March 6, 2023; and if sur-reply is requested by Plaintiffs, a letter should be filed setting forth good cause.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 145.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
December 13, 2022

Re: Briefing Schedule on Motions for Summary Judgment
7:19-cv-03017(PMH), 7:20-cv-07249(PMH), and 7:21-cv-07920(PMH)

Dear Judge Halpern:

We represent Nicole Campbell, as Seller Representative ("Nicole"), Rupert Campbell ("Rupert"), and Clare Reinbergen ("Clare," and collectively with Rupert and Nicole, "Plaintiffs"). We write jointly with counsel for Plant Health Intermediate, Inc. ("PHI") and Douglas Products and Packaging Company LLC ("Douglas," and together with PHI, "Defendants") to request an extension of the briefing schedule on the parties' respective motions for summary judgment.

In accordance with a memo endorsement included on ECF No. 144, the Court set the following briefing schedule on the parties' respective motions: i) Defendants' motion for summary judgment was to be served on Plaintiffs on November 21, 2022; ii) Plaintiffs' cross-motion for summary judgment and opposition to Defendants' motion was to be served as a single, consolidated brief on December 28, 2022; iii) Defendants' opposition to Plaintiffs' cross-motion and reply was to be served as a single, consolidated brief on January 13, 2023; iv) all motion papers were to be filed on January 13, 2023; and v) if sur-reply was requested by Plaintiffs, a letter should be filed setting forth good cause.

On November 21, 2022, Defendants served their motion for summary judgment. Last Monday, December 5, 2022, Plaintiffs' lead counsel, Fred Weinstein, tested positive for COVID. Mr. Weinstein was admitted to the hospital on Tuesday and was in the hospital until late Thursday evening. While Mr. Weinstein has since been released, he is still recovering and has advised me that he will not be able to resume a full schedule for the foreseeable future.

As a result, on Friday evening, I contacted Defendants' counsel informing them of the circumstances surrounding Mr. Weinstein and requested an extension of time to serve Plaintiffs'

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cross-motion for summary judgment and opposition to Defendants' motion from December 28, 2022, to January 31, 2022. Earlier today, Defendants agreed to consent to Plaintiffs' request if Plaintiffs consented to a mutual extension of Defendants' opposition to Plaintiffs' cross-motion and reply from February 16, 2023, to March 6, 2023. Plaintiffs consented to said request and the parties agreed on a briefing schedule.

Accordingly, the parties request that the Court adjust the briefing schedule as follows: i) Plaintiffs' cross-motion for summary judgment and opposition to Defendants' motion shall be served as a single, consolidated brief on January 31, 2023; ii) Defendants' opposition to Plaintiffs' cross-motion and reply shall be served as a single, consolidated brief on March 6, 2023; iii) all motion papers shall be filed on March 6, 2023; and iv) if sur-reply is requested by Plaintiffs, a letter should be filed setting forth good cause. This is the first request for an adjournment of the briefing schedule.

We thank Your Honor for your time and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Jeffrey S. Peters', is written over a light blue horizontal line.

Jeffrey S. Peters

cc: Opposing counsel (via CM/ECF)